

# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/00644/FUL	<b>Item</b>	03
<b>Date Valid</b>	18/04/2016	<b>Ward</b>	Southway

<b>Site Address</b>	LAND TO THE NORTH OF CLITTAFORD ROAD SOUTHWAY PLYMOUTH		
<b>Proposal</b>	Construction of 21 affordable homes with associated parking		
<b>Applicant</b>	Westward Housing Group Limited		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>18/07/2016</b>	<b>Committee Date</b>	<b>Planning Committee: 07 July 2016</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Christopher King		
<b>Recommendation</b>	Grant Conditionally Subject to a S106 Obligation, delegated to Assistant Director for Strategic Planning & Infrastructure to refuse if S106 is not signed by the target date or other date agreed through an extension of time.		

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## 1. Description of site

The former PLUSS Centre site is located in the Southway area of Plymouth and currently sites vacant with only old, low level structures remaining. The application site does not have a frontage onto Cilltaford Road, and to the west is an industrial site that has been redeveloped into housing. To the north is a vacant site with the potential for future housing schemes, and forms the development boundary of the city. UTC Aerospace Systems is directly to the east, along with an electricity sub-station that is accessed from a road adjacent to the proposed access.

## 2. Proposal description

This application proposes the construction of 21 affordable homes with associated parking and landscaping. Of the 21 units proposed, thirteen (13) will be shared ownership with the remaining eight (8) held as affordable rent. The application proposes the following mix of dwellings:

- 10no 3 bed, 5 persons Dwelling house
- 8no 2 bed, 4 person Dwelling house
- 3no 2 bed, 3 person Flats

It is proposed to provide four (4) units that meet the requirements of Part M of the Building Regulations (Accessible and Adaptable Dwellings), equating to 20%.

## 3. Pre-application enquiry

A DES pre-application was submitted (16/00111/MAJ), giving the LPA the opportunity to consider the principle of the proposal and the indicative layout of the site. The DES was not extensive, however the application hereby submitted is relatively consistent with the advice that was given by officers

## 4. Relevant planning history

13/01984/FUL - Re-develop site by erection of 19 affordable dwellings with associated access, car parking and landscaping (demolition of existing buildings) - Permitted Subject to S106 - [Refers to Phase 1 site directly south of application site]

10/01965/FUL - Substitution of house types on plots 19-26 and 43-50 approved under reserved matters approvals 08/00474 and 09/00245, and the addition of two extra dwellings, increasing the number over the whole site from 156 to 158 dwellings - Permitted Subject to S106

08/00474/REM - Reserved matters for the erection of 152 dwellings with associated car parking, access roads and public open space pursuant to outline permission 05/01085 – Permit - [Refers to the significantly larger Warleigh Village west and southwest of application site]

05/01085/OUT - Outline application for redevelopment of employment land involving demolition of the former Paper Converting buildings and part of the BAE building and the provision of: 490 dwellings, retention of manufacturing land, business units and live/work units, space for community uses, open spaces and a green 'corridor', a public transport terminal/information point, highways, means of accesses, cycle ways, footways and parking – Permitted Subject to S106 – [Refers to much larger Master Plan which includes the application site]

## 5. Consultation responses

Economic Development Department - No Objections

Housing Delivery Team - No Objections subject to Conditions

Lead Local Flood Authority - No Objections subject to Conditions

Local Highways Authority - No Objections subject to Conditions

Low Carbon Team - No Objections subject to Conditions

Natural Infrastructure Team - No Objections subject to Conditions

Police Architectural Liaison - No Objections subject to Conditions

Public Protection Service - No Objections subject to Conditions

## 6. Representations

The LPA has received a total of 6 letters of representation and a petition with 38 signatures. The content of the letters is summarised below:-

- Removal of green area for new road and pedestrian link is not wanted and not required
- Surface water and drainage issues
- Loss of residential amenity for residents on the Taylor Wimpey Estate
- Noise from children playing and teenagers gathering on the grassy area which should have been landscaped
- Shouldn't be affordable housing as we need more parks
- Will increase traffic in the area and roads are already overloaded causing loss of amenity and safety concerns
- Will add to the already increasing anti-social behaviour in the area
- Phase I site adjacent is full of litter and this will be exacerbated
- New proposed access through the affordable estate will impact the condition of our estate

The following non-material planning comments have been also been made:-

- Potential devaluation of property
- Additional upkeep cost of Taylor Wimpey estate due to new access, which is paid annually on top of council tax
- Taylor Wimpey promised residents the road wouldn't be built

## 7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft

development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

*Additionally, the following planning documents are also material considerations in the determination of the application:*

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*
- *Planning Obligations & Affordable Housing 2<sup>nd</sup> Review Supplementary Planning Document*

5 year housing supply:

When determining applications for residential development it is important to give consideration to housing supply.

Paragraph 47 of the NPPF stipulates that “to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”

Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

For the reasons set out in the Authority’s Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:

- Available to develop now
- Suitable for residential development in terms of its location and sustainability; and
- Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.

Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted”

As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications

## **8. Analysis**

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. This planning application turns upon policies CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS05 (Development of Existing Sites), CS15 (Overall Housing Provision), CS16 (Spatial Distribution of Housing Sites), CS18 (Plymouths Greenspace), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS22 (Pollution), CS28 (Local Transport Consideration), CS32 (Designing Out Crime), CS33 (Community Benefits/Planning

Obligations) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy.

3. The proposal also turns upon Policy 12, Policy 13, Policy 15, Policy 24, Policy 25, Policy 29 and Policy 30 of the Emerging Plymouth Plan Part One and Part 2 and 8 of the Development Guidelines Supplementary Planning Document (SPD).
4. The principle considerations relate to design, layout and amenity, and the impact of the proposal on the character of the surrounding area. Housing mix and tenure, planning obligations and community cohesion is also a key consideration for this proposal.

### Principle of Development

5. The application site is the northern half of the former industrial Pluss 2 site and benefits from outline planning permission (05/01085/OUT) for residential development and is referred to in this report as Phase 2.
6. Phase I was recently developed by the same applicant and is located immediately south of the application site and provides the design philosophy for the Phase 2 application. The outline permission approved 490 dwellings within the application site, and this proposal seeks to provide an additional 21 units, all of which will be affordable homes on top of the 19 affordable homes that were provided within the Phase I site.
7. The Warleigh Village development immediately west of the application site, and Samuel Bassett Avenue to the east also benefited from the same outline consent as do some other undeveloped sites within close proximity, all of which have and will contribute significantly larger volumes of housing than can be achieved at this application site.
8. As explained in section 7 of this report, Plymouth City Council cannot at present demonstrate a 5 year housing supply, and as such, paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.
9. Notwithstanding the outline consent and the 5 year land supply, which is given significant weight by officers, the proposal is considered to accord with policy CS16 (1) of the Core Strategy as the housing is being delivered on previously developed land (opposed to greenfield) . Furthermore, the proposal will include a mix of dwelling types, size and tenure, to meet the needs of Plymouth's current and future population in accordance with policy CS15 of the Core Strategy.
10. Officers also consider that the redevelopment of the site accords strongly with policy CS05 of the Core Strategy as there are clear environmental, regeneration and sustainable community benefits from this proposal. The principle of the proposal is therefore accepted by officers, and will contribute to the overall need for housing, as well as the demand for affordable units.

## Two Year Consent

11. Under section 91 Town and Country Planning Act 1990 if the local planning authority grants planning permission it is subject to a condition that specifies the time limit within which the development must begin. The relevant time limit for beginning the development is not later than the expiration of:
  - three years beginning with the date on which the permission is granted, or;
  - such other period (whether longer or shorter) as the local planning authority may impose.
  
12. The local planning authority can also consider whether a variation in the time period could assist in the delivery of development. For example, a shorter time period may be appropriate where it would encourage the commencement of development and non-commencement has previously had negative impacts. Conversely, a longer time period may be justified for very complex projects where there is evidence that three years is not long enough to allow all the necessary preparations to be completed before development can start.
  
13. At the start of October 2015 the LPA started to apply two year commencements on all applications for housing (of all types and sizes) as the council has evidence that many sites given planning permission have subsequently stalled, therefore corrective action is necessary to incentivise developers to deliver existing consents and any new consents granted.
  
14. Section 91 of the Town and Country Planning Act also specifically refers to “having regard to the provisions of the development plan and to any other material considerations”. The following provisions of the development plan (the Core Strategy) support an immediate move towards 2 year consents given the number of unimplemented planning permissions that already exist:
  - Strategic Objective 1(4) (Delivering Plymouth’s Strategic Role) – take a proactive approach to implementation by leading in the creation of appropriate delivery and partnership vehicles to enable a step change in the quantity, intensity and pace of development within the city.....use a Plan, Monitor, Manage approach to respond to changes in these anticipated levels of growth.
  - Policy CS02 (4) (Design) – be flexible to future social, technological and economic needs.
  - Paragraph 10.1 (Housing Provision) – keeps the city’s housing requirements, and the ways in which they are being met, under regular review.
  - Paragraph 10.9 (Future Provision) – takes into account existing commitments, in terms of dwellings under construction and planning permissions at April 2006.
  - Strategic Objective 10(8) (Delivering Adequate Housing Supply) – using a plan, monitor and manage approach to ensure an adequate and appropriate supply of housing.
  - Paragraph 10.34 (Overall Housing Delivery) – the overall delivery of new dwellings, affordability levels, and the delivery of affordable housing will be monitored annually through the LDF Annual Monitoring Report, which will identify whether there is a need to amend targets in light of changing circumstances.
  - Paragraph 17.1 (Monitor and Manage) – a key feature of a Local Development Framework is its flexibility to respond flexibly to changing circumstances through the “plan, monitor, manage” approach.
  - Paragraph 17.13 (Manage) – where delivery against housing targets falls outside of 20% either side of the target and/or there are indications that the long term trend will be significantly in excess of, or fall short of the target, then action will need to be taken. These actions may

include:...using the planning application process...taking action to bring forward constrained sites...

15. In addition Policy 46 of the Plymouth Plan, approved by the City Council on 21st September 2015 states:
- “The LPA will take a positive and strategic approach to the use of its powers in relation to planning consents, planning obligations or agreements and the community infrastructure levy (CIL) in order to accelerate the delivery of development and secure developer contributions to meet the infrastructure needs of the city. This approach will involve:
    - Positive use of planning conditions (including where appropriate varying from the standard 3 year time consent for commencement of development) to encourage early delivery and a strong pipeline of projects...” (Plymouth Plan Page 131).

### Design and Layout

16. Westward Housing (applicant) were responsible for the development of the site immediately south of this application site (known as Phase 1) and in the design and Access Statement it notes how the recent development of adjacent sites influenced the style and character of the dwellings. This same philosophy has been adopted for Phase 2, to ensure that all the different phases appear architecturally connected.
17. The palate of materials includes timber cladding, render and stone which are all characteristic of the area and locally distinctive. It is however evident that some render approved in the city has been unsuccessful in maintaining their appearance, so officers will ensure that a high quality silicon render is utilised in the finish to ensure longevity.
18. The principle frontage of the development is along west of the site, overlooking the separation buffer across from the east facing dwellings of Warleigh Village. Units 9-16 facing south, and units 17-21 facing east also provide street frontage onto the new road to be constructed.
19. The layout itself is considered compact, however does provide ease of access with the inclusion of the proposed links to the south and to the west. Whilst there have been many letters of objection to the link to the west, officers support the proposal as it creates a better access through the housing area and is good place making. Furthermore, the original masterplan approved in 2007 identified the desire to include this link. No issues with regards to the layout have been raised by the Council’s Urban Design Officer, and the Local Highways Authority is supportive of the proposed link to the west. The final design of this link will be reserved by condition to allow officers to assess details and safety aspects which are concerns of the residents.
20. Officers are of the view that the proposal accords with policy CS02 of the Core Strategy as it will contribute positively to the area’s identity in terms of scale, density, layout and access, making it easy to move through and around as well as being safe, uncluttered, varied and attractive. Officers also consider that the proposal accords with policy CS34 of the Core Strategy.



## Secure By Design

21. The design and layout of the proposal has been reviewed the Police Architectural Liaison who has clarified that the proposal has duly considered the Secure by Design principles. Suitable overlooking, lighting and security features have been proposed within the development meaning it accords with policy CS32 of the Core Strategy, although conditions are recommended.

## Residential Amenity

22. The application site is located within close proximity to numerous existing residential dwellings which were considered to be acceptable in the context of the masterplan. The layout and density of the current application site is considered comparable to these adjacent plots, and has been designed in a way that respects the amenity of these dwellings.
23. The separation distances between the dwellings on the eastern side of Warleigh village and plots 1-11 is considered satisfactory, and will not cause a demonstrable loss of amenity. The proposed separation distances are an improvement on existing relationships south of the application site between the dwellings either side of the grass buffer already approved. The existing grass buffer will be retained to ensure good outlook, and suitable measures, by way of condition will be put in place to ensure that the proposed link road does not prejudice the safety those using the amenity space for recreation purposes.
24. The dwellings to south are also of a satisfactory relationship that will not give rise to any demonstrable loss of amenity or privacy.
25. The LPA is no longer permitted to refer specifically to the internal size standards for dwellings as prescribe in the Development Guidelines SPD (para 2.8.25); however for reference, members are advised that 13 of the units meet or exceed the guidelines, and 10 units fall below. The 8 units that do fall below are only marginally below (3m<sup>2</sup>), and in officers view will still afford future occupiers with reasonable levels of amenity.
26. When considering private garden amenity space, officers are required to consider para. 2.8.27 of the Development Guidelines SPD. Officers can advise members that 10 of the units have undersized gardens when compared to the SPD, however 11 of the units have gardens that either meet or exceed these same standards.
27. The 10 undersized gardens belong to semi-detached or end terraced dwellings, and are between 10m<sup>2</sup> and 23m<sup>2</sup> below the recommend sizes, with exception of unit 16 which is 30m<sup>2</sup>. It is noted by officers that had the applicant had considered terraced dwellings on the layout then all but 1 of the units would have gardens that meet or exceed the Development Guidelines SPD standards and does not give rise to any significant issues relating poor amenity standards with sufficient provision.
28. Notwithstanding this, officers have considered the local context and character relating to garden amenity space, and in reviewing the approved garden sizes of Phase 1 to the south, the gardens sizes are comparable. Furthermore, the application site is with close proximity to numerous public amenity spaces such as the existing amenity strip and park adjacent to the site, Goodwin Park, Widewell woods as well as being within close proximity to the Plym Valley.

29. The layout of the proposal will not give rise to significant or demonstrably harmful levels of overlooking for future occupiers, and on balance, officers are of the view both the internal and external amenity sizes are acceptable. The proposal is therefore considered to accord with policies CS02, CS15 and CS34 of the Core Strategy.

#### Local Highways Authority

30. Based upon trip rates derived from the TRIC's (Trip Rate Information Computer System) database, the development of 21 affordable housing units would generate 9 two-way movements during the am peak hours (8-9am) and 12 two-way trips during the pm peak (5-6pm). As a stand-alone development such a low number of trips would not give rise to any highway capacity issues on the local road network.
31. A total of 28 allocated and 5 visitor car parking spaces are proposed to serve the development which equates to an overall car parking standard of 1.57 spaces per unit which is in accordance with current policy. In addition to car parking, the Local Highways Authority would recommend that a further condition be attached relating to the need for cycle parking spaces being provided for each of the units.
32. A number of concerns have been raised by local residents living in the adjoining Taylor Wimpey development regarding the creation of the vehicular (and pedestrian) link through to Fleetwood Gardens from the new area of development hereby proposed. The provision of this link has always been intended and was clearly indicated on the planning application submitted for the Southway Masterplan area (05/01085/OUT). A link into this area of development was also safeguarded as part of the reserved matters for the adjoining site (app no 09/00245/REM).
33. The creation of this link will undoubtedly help improve access into and out of the proposed area of development whilst it can be seen from the information provided on trip generation that the number of vehicles using this as a means of access to the development is likely to be quite low and not give rise to any highway safety concerns.
34. There seems to be a lack of pedestrian provision in terms of linking the pedestrian routes through Phase 1 with Phase 2 (pedestrians would have to cross through visitor car parking bay no 30 in order to access the only dedicated footway). This needs to be addressed and can be dealt with by way of condition.
35. Whilst as a stand-alone development the traffic impacts associated with the 21 affordable units would not lead to any capacity concerns on the local road network, when considering the cumulative impact of this and other growth planned on the Northern Corridor the associated traffic impacts are likely to be considerable. Therefore it is considered justified that a financial contribution of £76k be secured from this development towards strategic transport projects on the Northern Corridor.
36. In summary, the Local Highways Authority does not wish to raise any objections to this application from a highway viewpoint however it recommends that the conditions be attached to any grant of consent.

## Sustainable Resource – CS20

37. The submitted Energy Statement, dated March 2016 prepared by Hilsdon Holmes Ltd utilises solar PV to meet the full 15% and is considered compliant with policy CS20 of the Core Strategy

## Affordable Housing

38. The need for the delivery of affordable housing in the city is greater than total annual housing provision. The current Devon Home Choice register contains 13251 households, with approximately 3000 of these considered to be in priority housing need. In addition, the Help to Buy South West register has 596 applicants who have expressed a preference to purchase a shared ownership property in Plymouth. Consequently, consistent delivery of affordable housing can make a big difference to catering for this high level of housing need.
39. This planning application is for a 100% affordable housing scheme and the scheme has been allocated HCA grant under the 2015 – 2018 Affordable Housing Programme.
40. It is proposed to provide eight dwellings as affordable rent (3 x 2b flats and 5 x 3bd houses) and 13 as shared ownership (5 x 3bd houses and 8 x 2bd). The tenure split in favour of shared ownership within this application is welcomed, as it balances the Pluss Phase I development, which provided 100% affordable rent (13/01984/FUL). It also supports the government's housing policy aspiration to increase opportunities to access homeownership.

## Drainage

41. A Flood Risk Assessment and Drainage strategy has been submitted, which demonstrates a significant improvement to the surfacing of the site, with an increase in permeable area by approximately 350%. The drainage strategy has been accepted in principle however more details have been requested by the Lead Local Flood Authority, which will be secured by way of condition to ensure the proposal accords with policy CS21

## Landscaping and Ecology

42. The existing site holds very little ecological value, being almost entirely hard surfaced which this planning application proposed to address.
43. An Arboricultural Appraisal, Ecological Appraisal and Tree Constraints Plan have been submitted in support of the proposal. Officers are satisfied with the details that have been submitted, including the location of new trees; however further details with regards to landscaping will be required and have been condition.
44. Officers consider that the proposal will achieve the requirements of the policy CS19 of the core strategy and have demonstrated a suitable Ecological Mitigation and Enhancement Strategy (EMES) in order to allow the approval of this application.

## 9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## 10. Local Finance Considerations

The provisional Community Infrastructure Levy liability (CIL) for this development is £64,158 (index-linking applied, but subject to change before final liability confirmed).

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked. The applicant should check the current rates at the time planning permission first permits development, see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance.

The applicant has indicated that they intend to apply for Social Housing Relief, if agreed this will reduce the provisional liability to £0.

## 11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Negotiations are ongoing between the applicant and the Local Planning Authority, as planning obligations have been sought in respect of the following matters:

- Local Greenspace: Provision and maintenance of greenspace and access improvements at Bamfylde Way;
- Children's Play Space: Provision and maintenance of Langley Crescent play area;
- Playing Pitches: Provision and maintenance of playing pitch facilities at Bond Street;
- Strategic Transport: A contribution towards the delivery of the Derriford Hospital Interchange;

The proposed affordable housing will also be secured within a S106 agreement:

- Provision of eighth (8) social rent dwellings and thirteen (13) shared ownership dwellings

In addition a Management Fee is being negotiated.

Officers will update Planning Committee on these negotiations through an addendum report

## 12. Equalities and Diversities

Policy CS15 requires 20% of dwellings to be provided at the Lifetime Homes Standard application (now superseded by Building Regs Part M4(2)). This requirement is reflected in Policy 18 of the emerging Plymouth Plan. A condition has been applied to ensure delivery.

## 13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically The Local Development Framework Core Strategy and is therefore recommended for Conditional Approval subject to the signing of a S106 Agreement

## 14. Recommendation

In respect of the application dated **18/04/2016** and the submitted drawings Site Location Plan P1314-002-A; Site Layout as proposed P1314-001-revH; Tree Constraints and Protection Plan 16.13.1.TCP; Street Scene Elevations and Site Cross-Section P1314-003(1); Typical Floor Plans and Elevations for Housetype FT-01 P1314-FT-01; Typical Floor Plans and Elevations for Housetype 13 P1314-HT-13; Typical Floorplans and Elevations for Housetype 14 P1314-HT-14; Typical Floor Plans and Elevations for Housetype 01 P1314-HT-01; External Work Details P1314-015; External Work Details P1314-016-A; External Work Details P1314-017; External Work Details P1314-018; Proximity Plan P1314 SK-77; Ecological Appraisal 0299-EA-AS; Arboricultural Appraisal; P1314 - GROUND INVESTIGATION-CONTAMINATION Part 1; P1314 - GROUND INVESTIGATION-CONTAMINATION Part 2; Energy Statement; T7071.Flood Risk Assessment part1; T7071.Flood Risk Assessment part2; T7071.Flood Risk Assessment part3; T7071.HIGHWAY DESIGN PHILOSOPHY; Design and Access Statement; Garden Area Schedule; Geo-Environmental and Geotechnical Assessment; Transport Statement; Surface Water Management and Maintenance Plan; Technical Response: CASE Consultants Letter dated June 20th 2016, it is recommended to: **Grant Conditionally Subject to a S106 Obligation, delegated to Assistant Director for Strategic Planning & Infrastructure to refuse if S106 is not signed by the target date or other date agreed through an extension of time.**

## 15. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1) The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan P1314-002-A; Site Layout as proposed P1314-001-revH; Tree

Constraints and Protection Plan I6.13.1.TCP; Street Scene Elevations and Site Cross-Section P1314-003(1); Typical Floor Plans and Elevations for Housetype FT-01 P1314-FT-01; Typical Floor Plans and Elevations for Housetype 13 P1314-HT-13; Typical Floorplans and Elevations for Housetype 14 P1314-HT-14; Typical Floor Plans and Elevations for Housetype 01 P1314-HT-01; External Work Details P1314-015; External Work Details P1314-016-A; External Work Details P1314-017; External Work Details P1314-018; Proximity Plan P1314 SK-77; Ecological Appraisal 0299-EA-AS; Arboricultural Appraisal; P1314 - GROUND INVESTIGATION-CONTAMINATION Part 1; P1314 - GROUND INVESTIGATION-CONTAMINATION Part 2; Energy Statement; T7071.Flood Risk Assessment part1; T7071.Flood Risk Assessment part2; T7071.Flood Risk Assessment part3; T7071.HIGHWAY DESIGN PHILOSOPHY; Design and Access Statement; Garden Area Schedule; Geo-Environmental and Geotechnical Assessment; Transport Statement; Surface Water Management and Maintenance Plan; Technical Response: CASE Consultants Letter dated June 20th 2016

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

### **Pre-Damp Proof Course Conditions**

PRE DPC: CONTAMINATED LAND

(3) Unless otherwise agreed by the Local Planning Authority, development must not proceed past DPC level until section 1 of this condition has been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 3 has been complied with in relation to that contamination.

#### **1. Submission of Remediation Scheme**

This department will agree to the recommendations made within the submitted report as detail of a remediation scheme. Should the developer desire to alter this submitted scheme they will need to submit alternative recommendations in writing to the Local Planning Authority for written approval.

#### **2. Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

#### **3. Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Further investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared. Any further proposals for remediation should be made in writing to the Local Planning Authority for written approval.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

#### PRE-DPC: STREET DETAILS

(4) The development hereby approved shall not proceed past the DPC level until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

#### PRE-DPC: ACCESS (CONTRACTORS)

(5) The development hereby approved shall not proceed past the DPC level until an adequate road access for contractors with a proper standard of visibility has been formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-DPC: DRAINAGE AND SURFACE WATER DISPOSAL

(6) The development hereby approved shall not proceed past the DPC level until the following drainage details and proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The applicant/developer is advised of the following information that will be required:-

- Updated Flood Risk Assessment (FRA) which includes an assessment of exceedance flows and details of the measures to contain these flows on site and or direct these flows away from Third Part land or property.

- A Construction Environment management Plan (CEMP) incorporating method statements should be submitted to demonstrate how the new drainage system is protected during both the demolition and construction phases;

The submitted and approved details shall be implemented before the dwellings hereby permitted are first occupied.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

#### **PRE-DPC: SOFT LANDSCAPE WORKS**

(7) The development hereby approved shall not proceed past DPC level until full details of soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

#### **Pre-occupation Conditions**

##### **PRE-OCCUPATION: SOLAR PANELS**

(8) The development shall be completed in accordance with the submitted Energy Statement prepared by Hilsdon Holmes (dated March 2016). This proposes the use of Solar Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production. The carbon savings which result from this will be above and

beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed previously in writing with the Local Planning Authority, before any unit of accommodation hereby approved is occupied, the applicant shall provide to the Local Planning Authority details of the locations of the on-site renewable energy production methods (in this case Photovoltaic Cells) for approval. The on-site renewable energy Production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.



Reason:

To ensure that the development incorporates onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the development in accordance with Policy CS20 of the Plymouth Local Development

Framework Core Strategy (2006-2021) 2007, the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF

#### PRE-OCCUPATION: CAR PARKING PROVISION

(9) The development hereby approved shall not be occupied until the car parking areas shown on the approved plans have been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and those areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-OCCUPATION: CYCLE PROVISION

(10) No dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 21 bicycles to be securely parked. The secure areas for storing bicycles shown on the approved plan shall remain available for their intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### **Other Conditions**

##### CONDITION: NOISE

(11) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB Laeq for living rooms (0700 to 2300 daytime) and 30 Db Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development

Plan Document 2007

#### CONDITION: BIODIVERSITY

(12) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with Section 6 of the Ecological Appraisal (Green Ecology, January 2016) for the site.

#### Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

#### CONDITION: PART M4(2) (ACCESSIBLE AND ADAPTABLE DWELLINGS) COMPLIANT

(13) Unless otherwise agreed in writing with the Local Planning Authority, Units 9, 10, 11 and 16 hereby permitted shall be part M4(2) (Adaptable and Accessible) compliant, and shall be fully implemented prior to completion of the development and thereafter so maintained and retained.

#### Reason:

To ensure that 20% of the dwellings on site are built to the equivalent of Lifetime Homes standards to comply with policy CS15 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and Government advice contained in the NPPF.

#### CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(14) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

A: No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars [Tree Constraints and Protection Plan by Devon Tree Services 16.13.1.TCP dated 14/1/16.], and in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

**Reason:**

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

**CONDITION: REAR GARDEN GATES**

(15) All gates to private pathways shall have gates that have locks with key access.

Details of these shall be submitted to the Local Planning Authority in writing, and shall be installed before any of the residential units requiring the use of the respective private pathways.

**Reason:**

To ensure that satisfactory measures are put in place to design out crime, in accordance with Policy CS32 of the Plymouth Local Development Framework Core Strategy (2006-2021).

**CONDITION: MATCHING MATERIALS AND RENDER**

(16) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the construction of development approved by way of planning permission 13/01984/FUL (Pluss Site Phase 1) with the only alteration being that the development hereby approved shall use a silicon based render system unless otherwise agreed in writing by the local planning authority.

**Reason:**

To ensure that the materials used are in keeping with the appearance of the existing building and the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

**Informatives**

**INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)**

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

**INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

(2) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://www.plymouth.gov.uk/CIL). You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant

forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

#### INFORMATIVE: ROADWORKS

(3) Any of the roadworks included in the application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980. The applicant should contact Plymouth Transport and Highways for the necessary approval.

#### INFORMATIVE: TREE SURGERY

(4) All works to trees should be carried out in accordance with the relevant recommendations of BS 3998:2010 (Recommendations for Tree Work).

#### INFORMATIVE: NESTING SEASON

(5) It is an offence under the Wildlife and Countryside Act to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting.

#### INFORMATIVE: CODE OF PRACTICE

(6) The development hereby approved should be carried out in accordance with the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and should consider the following:-

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.